

ORDINARY MEETING

MINUTES

25 JUNE 2024

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PRESENT

Cr Robert Aitchison
Cr Kristy Flannery
Cr Stephanie Fisher
Cr Peter Garnham
Cr Mitchell Griffin
Cr Bill Hackney
Cr Sally Halliday
Cr Ben Mitchell
Cr Philip Penfold, Mayor
Cr Ben Whiting
Cr Mike Yarrington

1 INVOCATION

The General Manager read the customary prayer at the commencement of the meeting.

2 ACKNOWLEDGEMENT OF COUNTRY

The General Manager read the Acknowledgement of Country.

3 APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

COUNCIL RESOLUTION

THAT the apology received for the unavoidable absence of Cr L Baker and Cr K Ranadive be accepted and leave of absence granted

Moved Cr P Garnham, Seconded Cr R Aitchison

CARRIED

The division resulted in 11 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr B Whiting	
	Cr M Yarrington	

4 DECLARATIONS OF INTEREST

Nil

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held 11 June 2024 be confirmed.

Moved Cr M Griffin, Seconded Cr B Whiting

CARRIED

The division resulted in 11 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr B Whiting	
	Cr M Yarrington	

6 BUSINESS ARISING FROM MINUTES

Nil

7 WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS

Nil

8 PUBLIC ACCESS

Nil

9 MAYORAL MINUTE

9.1 NAMING OF THE RALLY GROUND

FILE NO: 35/44
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: Jeff Smith - General Manager
AUTHOR: Philip Penfold - Mayor

MAYORAL MINUTE

MOTION

In recognition of their invaluable contribution to the City of Maitland, including to steam and antique machinery heritage, council name the site commonly referred to as the rally ground at corner of New England Highway and Church Street, as "Garnham Grounds" after Cr Peter and Kelly Garnham.

BACKGROUND

Cr Peter Garnham is a former Deputy Mayor of Maitland, having served 25 consecutive years as a Maitland City Councillor.

A married father of 4, grandfather of 9, and great grandfather of 2, Peter has always been very active in the Maitland community through organisations such as Lions Club, Apex, Maitland Men's Shed, Maitland Steam and Antique Machinery Assoc., Hunter Valley Vintage Farm Machinery Association, and Blue Light Disco.

Peter has been bestowed Rotary's Paul Harris Fellowship and Lions Club's Melvin Jones Fellowship and is a Life Member of both Apex and Blue Light.

Kelly Garnham, a married mother of 4, grandmother of 9, and great grandmother of 2, Kelly has always been very active in the Maitland community, holding many executive roles.

A Life Member of the Lions Club of East Maitland, Kelly has held most positions at the club, including Club President, Secretary and Treasurer.

She has been instrumental in the success of Maitland Steam and Antique Machinery Association, as well as a significant contributor to Steamfest in Maitland spanning over 20 years. Kelly has always been very supportive of and involved in her husband's endeavours within the community.

Both Peter and Kelly have achieved many accolades within the community of Maitland over their 46 years together, and are held in very high regard.

RECOMMENDATION

THAT

1. Council name the site commonly referred to as the rally ground at corner of New England Highway and Church Street, as "Garnham Grounds" after Cr Peter and Kelly Garnham

COUNCIL RESOLUTION

THAT

1. Council name the site commonly referred to as the rally ground at corner of New England Highway and Church Street, as "Garnham Grounds" after Cr Peter and Kelly Garnham

Moved Mayor P Penfold, Seconded Cr B Whiting

CARRIED

The division resulted in 11 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr B Whiting	
	Cr M Yarrington	

PROCEDURAL MOTION

THAT we deal with Item 10.1 – Data Breach Policy Update – Roles & Responsibilities, Item 11.1 – WHS Policy Review and Item 11.2 – Statement of Investments as at 31 May 2024 in bulk as one motion.

Moved Cr P Garnham, Seconded Cr M Griffin

The division resulted in 11 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr B Whiting	
	Cr M Yarrington	

PROCEDURAL MOTION

THAT Council adopt all recommendations from Items 10.1, 11.1 and 11.2.

Moved Cr P Garnham, Seconded Cr M Griffin

CARRIED

The division resulted in 11 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr B Whiting	
	Cr M Yarrington	

10 OFFICERS REPORTS

10.1 DATA BREACH POLICY UPDATE - ROLES AND RESPONSIBILITIES

FILE NO:	35/1
ATTACHMENTS:	1. Data Breach Policy V1.1 2024
RESPONSIBLE OFFICER:	Mark Margin - Executive Manager Customer & Digital Services
AUTHOR:	Ned Scopulovic - Manager Enterprise Architecture
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.4 Implement and maintain a contemporary governance, audit and risk framework

EXECUTIVE SUMMARY

At Maitland City Council, we prioritize transparency and accountability in handling sensitive data. The introduction of the Mandatory Notification of Data Breach (MNDB) Scheme, as outlined in Part 6A of the Privacy and Personal Information Protection Act 1998 (PPIP Act), our responsibilities have grown. This scheme mandates agencies to notify the Privacy Commissioner and affected individuals in the event of an eligible data breach. As an NSW public sector agency subject to the PPIP Act, we recognize the importance of compliance with the MNDB Scheme. This policy amendment updates the roles and responsibilities aligning to the new organization structure within Maitland City Councils directorates.

OFFICER'S RECOMMENDATION

THAT

1. Council adopts the Data Breach Policy 2024 V1.1
2. Council note the Data Breach Policy 2024 V1.1

COUNCIL RESOLUTION

THAT

1. Council adopts the Data Breach Policy 2024 V1.1
2. Council note the Data Breach Policy 2024 V1.1

Moved Cr P Garnham, Seconded Cr M Griffin

CARRIED

11 POLICY AND FINANCE COMMITTEE

11.1 WHS POLICY REVIEW

FILE NO:	130/75
ATTACHMENTS:	1. Work, Health and Safety Policy 2018 2. Work Health and Safety Policy 2024
RESPONSIBLE OFFICER:	Tiffany Allen - Executive Manager People and Performance
AUTHOR:	Leisa Tate - Manager Enterprise Risk, Health & Safety
MAITLAND +10	Outcome 16 To work together to be the best our community can be
COUNCIL OBJECTIVE:	16.2.3 Provide an environment of safety and wellbeing for Council's workforce

EXECUTIVE SUMMARY

Maitland City Council is committed to providing a safe and healthy workplace for all workers, contractors, visitors, and others who attend the workplace, in accordance with the Work Health and Safety (WHS) Act 2011 and WHS Regulations 2017.

OFFICER'S RECOMMENDATION

THAT

1. Council adopt the revised Work, Health and Safety Policy 2024.

COMMITTEE RECOMMENDATION

THAT

1. Council adopt the revised Work, Health and Safety Policy 2024.

Moved Cr P Garnham, Seconded Cr M Griffin

CARRIED

11.2 STATEMENT OF INVESTMENTS AS AT 31 MAY 2024

FILE NO:	82/2
ATTACHMENTS:	1. Council's Holdings as at 31 May 2024
RESPONSIBLE OFFICER:	Mary O'Leary - Executive Manager Finance Annette Peel - Manager Finance & Procurement
AUTHOR:	Narelle Jeffries - Financial Accountant Laura Barry - Financial Accountant
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.2 Ensure Council is financially sustainable and meets required levels of performance

EXECUTIVE SUMMARY

Clause 212 of the Local Government (General) Regulation 2021 requires Council to report on its investments.

As at the end of May 2024, Council had investments totalling \$218,476,497 under management.

Council's investment portfolio recorded a marked-to-market return of 5.44% per annum versus the bank bill index benchmark return of 4.50% per annum. The actual investment return for the month of May was \$963,120, a favourable variance of \$109,558 when compared to the new revised monthly budget forecasts of \$853,562.

Council remains fully compliant with all Investment Policy requirements.

OFFICER'S RECOMMENDATION

THAT

- 1. The report indicating Council's Funds Management position be received and noted.**
- 2. The certification of the Responsible Accounting Officer be noted and the report adopted.**

COMMITTEE RECOMMENDATION

THAT

- 1. The report indicating Council's Funds Management position be received and noted.**
- 2. The certification of the Responsible Accounting Officer be noted and the report adopted.**

Moved Cr P Garnham, Seconded Cr M Griffin

CARRIED

12 NOTICES OF MOTION/RESCISSION

Nil

13 QUESTIONS WITH NOTICE

Nil

14 URGENT BUSINESS

Nil

Council moved into Committee of the Whole at 5:51 pm.

Moved Cr M Griffin, Seconded Cr B Mitchell

CARRIED

The division resulted in 11 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr B Whiting	
	Cr M Yarrington	

Council moved into Closed Session of the Committee of the Whole for the reasons specified in the Agenda, and closed the meeting to the public at 5:52 pm.

Moved Cr M Griffin, Seconded Cr P Garnham

CARRIED

The division resulted in 11 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr B Whiting	
	Cr M Yarrington	

15 COMMITTEE OF THE WHOLE

15.1 CONSIDERATION OF TENDERS - TRAFFIC CONTROL SERVICES - PANEL TENDER

FILE NO:	2024/137/2340
ATTACHMENTS:	<ol style="list-style-type: none">1. Attachment A - Fee Proposal - Maitland City Council2. Attachment B - Prj.No. 2024.137.2340 Tender Evaluation Report
RESPONSIBLE OFFICER:	Jason Linnane - Director City Services Stephen Smith - Manager Assets and Engineering
AUTHOR:	Ian Lorenz - Operations Manager Plant Services
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1 Ensure our city infrastructure, services and finances are managed sustainably and transparently

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows: (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

EXECUTIVE SUMMARY

Tenders have been called for the supply of Traffic Control Services to Council. This panel tender would include items such as the traffic control labour, traffic control trucks and devices. This report is presented to council for approval of the traffic control services tendered for the period 1 August 2024 to 30 June 2026 with the option for two additional twelve (12) month optional extensions.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows:

(d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

COMMITTEE RECOMMENDATION**THAT**

1. Council accept all conforming tenders for Traffic Control Services, as nominated in Attachment B - Tender Evaluation Report, for the period of 1 August 2024 to 30 June 2026, including the option for two additional twelve (12) month optional extensions.
2. The selection of Traffic Control Services, as required, is based on price, availability and suitability for Council's needs, as per the procurement policy.

Moved Cr P Garnham, Seconded Cr K Flannery

CARRIED

The division resulted in 11 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr B Whiting	
	Cr M Yarrington	

15.2 WRITING OFF OF UNRECOVERABLE DEBTS

FILE NO:	2/28
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Mary O'Leary - Executive Manager Finance
AUTHOR:	Annette Peel - Manager Finance & Procurement
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.2 Ensure Council is financially sustainable and meets required levels of performance

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows: (b) discussion in relation to the personal hardship of a resident or ratepayer.

EXECUTIVE SUMMARY

Council has granted delegation to the General Manager to write off unrecoverable debts up to the value of \$5,000. Any amounts greater than \$5,000 that are considered unrecoverable require the approval of Council prior to being written off.

As Council approaches the end of financial year, outstanding debts (other than rates) are reviewed for any amounts that are considered unrecoverable and should therefore be written off, rather than shown in Council's Annual Financial Statements as part of the accounts receivable balance.

One debt of \$21,076.93 has been identified as unrecoverable and is detailed in this report.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows:

(b) discussion in relation to the personal hardship of a resident or ratepayer.

COMMITTEE RECOMMENDATION

THAT

- 1. Council approve the amount of \$21,076.93 as owed by Debtor Account 313 be written off.**

Moved Cr P Garnham, Seconded Cr S Fisher

CARRIED

The division resulted in 11 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr B Whiting	
	Cr M Yarrington	

Council resumed into Ordinary Council at 5:53 pm.

Moved Cr M Griffin, Seconded Cr P Garnham

CARRIED

The division resulted in 11 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr B Whiting	
	Cr M Yarrington	

16 COMMITTEE OF THE WHOLE RECOMMENDATIONS

The General Manager read the Recommendation from the Committee of the Whole/Closed Session as follows:

15.1 Consideration of Tenders – Traffic Control Services – Panel Tender

THAT

1. Council accept all conforming tenders for Traffic Control Services, as nominated in Attachment B - Tender Evaluation Report, for the period of 1 August 2024 to 30 June 2026, including the option for two additional twelve (12) month optional extensions.
2. The selection of Traffic Control Services, as required, is based on price, availability and suitability for Council's needs, as per the procurement policy.

15.2 Writing Off Unrecoverable Debts

THAT

1. Council approve the amount of \$21,076.93 as owed by Debtor Account 313 be written off.

COUNCIL RESOLUTION

THAT

The Committee's recommendations be adopted.

Moved Cr P Garnham, Seconded Cr M Yarrington

CARRIED

The division resulted in 11 for and 0 against, as follows:

For:	Cr R Aitchison Cr S Fisher Cr K Flannery Cr P Garnham Cr M Griffin Cr B Hackney Cr S Halliday Cr B Mitchell Mayor P Penfold Cr B Whiting Cr M Yarrington	Against:
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17 CLOSURE

The meeting was declared closed at 5:55 pm.

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Chairperson